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AUG 22 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FCC MAIL ROOM

In the Matter of)
)
Implementation of Section 309(j)) PP Docket No. 93-253
of the the Communications Act)
Competitive Bidding)

DOCKET FILE COPY ORIGINAL

Petition for Reconsideration of Karl Brothers, Inc.

Thomas A. Karl
Timothy E. Karl
Gregory L. Karl

Karl Brothers, Inc.
P. O. Box 58040
Fairbanks, AK 99711
(907) 488-9053

Date: August 19, 1994

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Karl Brothers, Inc., has recently requested the FCC to recognize firms that are owned by individuals with disabilities, such as ours, as "designated entities" for purposes of the upcoming PCS auctions. I have attached a copy of those requests for your convenience.

It has become apparent since our original request that the FCC does not have a history of providing preferences and incentives to firms owned by people with disabilities, and that our request to be included as a "designated entity" will not be accomplished without further communication. We would like to address those issues here for your reconsideration.

Congress passed legislation to "...ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services." The FCC has chosen to interpret "minority groups" to mean only ethnic minorities, which, we are told, is consistent with past FCC policies. But, clearly, the Congressional mandate to give special preference to "minority groups" is not limited to just ethnic minorities, but includes other historically disadvantaged minorities, such as the

disabled. We believe that the FCC should seriously reconsider its too narrow interpretation of the term "minority groups" and its mandate from Congress.

Further, in stating that the FCC should be "promoting economic opportunity and competition...by disseminating licenses among a wide variety of applicants, including small businesses, rural telephone companies and business owned by members of minority groups and women," Congress was merely giving examples of groups not to be excluded. We believe that the key portion of the preceding phrase is "including." While this important phraseology specifies certain groups to be included in the designated categories group, it does not limit the FCC to these groups alone. That much is evident by the fact that there is no language excluding other disadvantaged groups and by the fact that the language clearly mentions a "wide variety of applicants, including," but we think, not limited to, "...minority groups and women."

Karl Brothers is a "minority" business by virtue of the fact that it is owned by individuals with severe handicaps. This is not just the opinion of Karl Brothers, but is also the opinion of the Small Business Administration. Karl Brothers is a participant in the SBA's 8(a) program, a program that sets aside government

contracts for minority-owned firms. The 8(a) certification is granted only to ethnic and non-ethnic minority-owned firms that can provide clear and convincing evidence that both the owners individually and the firm have been both socially and economically disadvantaged by virtue of their physical condition. Theoretically, these disadvantages are the results of past discrimination due to minority status, as evidenced by lack of access to credit, capital, etc., and thus, government preferences are justified.

It is clear that firms owned by disabled individuals are in the minority in the telecommunications industry. In fact, we know of no disabled firms which possess an FCC license of any type. It would certainly serve to diversify the license-holder group by including firms owned by the disabled, such as ours, in the bidding process as designated entities. This is the result Congress intended when it sought to provide preferences to historically disadvantaged groups, due to both ethnic and non-ethnic prejudices.

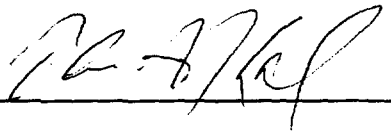
While we sympathize with the complications that a disabled preference entails, and the resistance that accompanies change, this change is overdue. The SBA Section 8(a) program could provide the FCC with a set

of workable guidelines to determine who should or should not qualify for "designated entity" status in terms of handicap-owned firms.

Respectfully submitted,

August 19, 1994 by

KARL BROTHERS, INCORPORATED

A handwritten signature in dark ink, appearing to read 'T. A. Karl', is written over a horizontal line.

Thomas A. Karl, President

KARL BROS. INC.

840 W. MAIN STREET * PEORIA, ILLINOIS 61606
PHONE (309) 637-5275 * FAX (309) 637-5277

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AUG 22 1994

FCC MAIL ROOM

July 27, 1994

Chairman Mr. Reed E. Hundt
Federal Communication Commission
1919 M Street, N. W.
Washington, D. C.

Dear Mr. Hundt:

Re: Competitive Bidding Procedures for Broadband PCS

Karl Brothers, Inc. applauds FCC's recent courageous decision to implement the Competitive Opportunity Plan for issuance of Broadband PCS licenses.

Our firm is excited about the opportunity to participate in the upcoming auctions, but feel we may not qualify as a "designated entity." Karl Bros. currently is a participant in the SBA's 8(a) program which we qualified for not as a minority or female owned and controlled business, but as a socially and disadvantaged handicapped business. We are involved in the telecommunication industry sales and actuation of cellular phones. We have watched the PCS technology development with great interest and feel the FCC Competitive Opportunity Plan would enable us to participate in the field which would not otherwise be attainable.

We respectfully request that firms such as ours who have been certified by SBA as socially and economically disadvantaged be allowed to share the same advantage allowed under FCC's Competitive Opportunity Plan by minority and female owned and controlled firms.

If there is any further information or clarification we can provide concerning this matter, please feel free to contact me at (309) 637-5275.

As the time for auction is drawing near, we would appreciate your prompt attention to this request.

Thank you in advance for your consideration.

Sincerely,



Thomas A. Karl
President

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AUG 22 1994

FCC MAIL ROOM



VIA FACSIMILE
202-418-2801

August 19, 1994

Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street N.W.
Washington, DC 20554

Dear Mr. Hundt:

RE: Competitive Bidding Procedures for PCS Licenses

Karl Brothers, Inc., has recently requested the FCC to recognize firms that are owned by individuals with disabilities, such as ours, as "designated entities" for purposes of the upcoming PCS auctions. I have attached a copy of that request for your convenience.

It has become apparent since our original request that the FCC does not have a history of providing preferences and incentives to handicap firms, and that our request to be included as "designated entities" will not be accomplished without further communication. We would like to address those issues for your consideration.

Congress passed legislation to "...ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services." The FCC apparently chooses to interpret "minority groups" to mean only ethnic minorities, which, we are told, is consistent with past FCC policies. But, clearly, the Congressional mandate to give special preference to "minority groups" is not limited to just ethnic minorities, but includes other historically disadvantaged minorities, such as the disabled. We believe that the FCC should seriously reconsider its too narrow interpretation of the term "minority groups" and its mandate from Congress.

Chairman Reed E. Hundt
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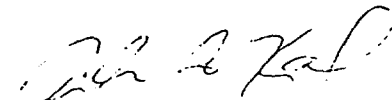
Karl Brothers is a "minority" business by virtue of the fact that it is owned by handicapped individuals. This is not just the opinion of Karl Brothers, but is also the opinion of the Small Business Administration. Karl Brothers is a participant in the SBA's 8(a) program, a program that sets aside government contracts for socially and economically disadvantaged firms. The 8(a) certification is granted only to ethnic and non-ethnic minorities who can provide clear and convincing evidence that both individually and as a firm they have been socially and economically disadvantaged by virtue of their physical condition. Theoretically, these disadvantages are the results of past discrimination, as evidenced by lack of access to credit, capital, etc., and, thus, government preferences are justified.

It is clear that firms owned by disabled individuals are in the minority in the telecommunications industry. In fact, we know of no disabled firms which possess an FCC license of any type. It would certainly serve to diversify the license-holder group by including handicapped firms, such as ours, in the bidding process as designated entities. This is the result Congress intended when it sought to provide preferences to historically disadvantaged groups, due to both ethnic and non-ethnic prejudices.

While we sympathize with the legal complications that a disabled preference entails, and the resistance that accompanies change, this change is overdue. The SBA Section 8(a) program could provide the FCC with a set of workable guidelines to determine who should or should not qualify for "designated entity" status.

I hope this information proves useful in your decision on our request. Please feel free to contact me at (907) 488-9053 if I can provide any further information.

Sincerely,



Thomas A. Karl
President